

REMARKS

Claims 9-26 are pending in this application. By this Amendment, claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 and 26 are amended to more particularly recite the subject matter of the present invention. No new matter is added by the amendments.

Reconsideration of this application is respectfully requested in view of the foregoing amendments and following remarks.

In the outstanding Office Action, claims 9-14 and 21-26 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. In making this rejection, the Office Action asserts that claims 9-14 and 21-26 are directed to stored information on a recording medium, and that the stored information does not provide any functional interrelationship between the information and the medium used to control accessing the information from the medium, or to cause software and hardware components to provide certain functions. Claims 9, 12, 21 and 24 have been amended to clearly recite the function of the identifying information, which is to prevent erasing or editing of a corresponding recording unit. Thus, claims 9, 12, 21 and 24, and claims 10, 11, 13, 14, 22, 23, 25 and 26, each of which depends from one of claims 9, 12, 21 and 24, are believed to be statutory, and withdrawal of the rejection is respectfully requested.

Claims 9-26 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 9, 11, 12, 14, 15, 17, 18, 20, 21, 23, 24 and 26 have been amended responsive to this rejection. If any additional amendment is necessary to overcome this rejection, the Examiner is requested to contact the Applicant's undersigned representative.

Claims 9-10, 12-13, 15-16, 18-19, 21-22 and 24-25 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 5,966,495 to Takahashi et al. (hereinafter, "Takahashi"). It is noted that claims 9, 12, 15, 18, 21 and 24 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

In the claimed invention, second identifying information corresponds to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit.

It is respectfully submitted that Takahashi neither discloses nor suggests a second identifying information area having second identifying information corresponding to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit. Rather, Takahashi discloses one identifying information, i.e., a deleted flag, related to each data block, where the identifying information is stored in each ID block of an ID table. The deleted flag of Takahashi is set to either a "0," indicating that the corresponding data block can be erased, or a "1," indicating that the corresponding data block is in a logically erased state and may be recorded over. However, there is no identifying information that prevents erasing or editing of data in Takahashi.

Thus, claims 9-10, 12-13, 15-16, 18-19, 21-22 and 24-25 are patentably distinct over Takahashi, and withdrawal of this rejection is respectfully requested.

Claims 9-26 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,577,811 to Kikuchi et al. (hereinafter, "Kikuchi"). It is noted that claims 9,

12, 15, 18, 21 and 24 have been amended. To the extent that the rejection remains applicable to the claims currently pending, the Applicants hereby traverse the rejection, as follows.

In the claimed invention, first identifying information corresponds to each of one or more second recording units and prevents erasing or editing of a corresponding second recording unit and second identifying information corresponds to each of one or more third recording units and prevents erasing or editing of a corresponding third recording unit.

It is respectfully submitted that Kikuchi neither discloses nor suggests a second identifying information area having second identifying information corresponding to each of one or more third recording units, wherein the second identifying information prevents erasing or editing of a corresponding third recording unit. Rather, Kikuchi discloses only one logical editing identifying information, which is a 1-byte erase prohibition flag field that when set to "0" allows corresponding data at a relative byte position (RBP) to be erased, and when set to "1" indicates the corresponding data is erase-prohibited. The erase prohibition flag can be set by the user and is stored in a cell playback information C_PBI management unit. Kikuchi fails to disclose a flag corresponding to a higher recording unit, and discloses that "the characteristic feature" of the invention thereof is the erase prohibition flag field that is stored in a cell management table. See *U.S. Patent No. 6,577,811 at col. 76, lines 9-13*.

Thus, claims 9-26 are patentably distinct over Kikuchi, and withdrawal of this rejection is respectfully requested.

CONCLUSION

For all of the above reasons, it is respectfully submitted that claims 9-26 are patentably distinct over the cited references and in condition for allowance. Accordingly, favorable reconsideration and withdrawal of the outstanding rejections, and issuance of a Notice of Allowance are earnestly solicited.

Should the Examiner determine that any further action is necessary to place this application into better form, the Examiner is requested to contact the undersigned representative at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of time. The fee for this extension may be charged to our Deposit Account No. 01-2300, referencing docket number 107156-09069. The Commissioner is hereby authorized to charge any fee deficiency or credit any overpayment associated with this communication to Deposit Account No. 01-2300, referencing docket number 107156-09069.

Respectfully submitted,
ARENT FOX, PLLC



Michele L. Connell
Registration No. 52,763

Customer No. 004372
1050 Connecticut Avenue, NW, Suite 400
Washington, DC 20036-5339
Telephone: (202) 857-6104

MLC:sg
Enclosures: Petition for Extension of Time